

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC. FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
AN ADDITIONAL CELL SITE IN ROWAN)	CASE NO. 93-257
COUNTY, KENTUCKY FOR THE PROVISION OF)	
DOMESTIC PUBLIC CELLULAR RADIO TELECOM-)	
MUNICATIONS SERVICE TO THE PUBLIC IN)	
KENTUCKY RURAL SERVICE AREA NO. 8)	

O R D E R

On July 21, 1993, Kentucky CGSA, Inc. ("Kentucky CGSA") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower to serve Kentucky Rural Service Area No. 8 ("RSA No. 8"). RSA No. 8 includes Bath, Bracken, Fleming, Lewis, Mason, Menifee, Montgomery, Nicholas, Robertson, and Rowan counties of Kentucky. Kentucky CGSA has requested authorization to construct a cell site in Rowan County, Kentucky. Kentucky CGSA was previously granted authority to operate a cellular radio telecommunications system in RSA No. 8.

The proposed cell site consists of a self-supporting antenna tower, with attached antennas, not to exceed 300 feet in height to be located at 140 Quail Hollow Road, Morehead, Rowan County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 10' 43" by West Longitude 83° 28' 42".

Kentucky CGSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the

proposed cell site. Based upon the application, the design of the tower and foundation appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. However, Kentucky CGSA has notified the Morehead/Rowan County/Lakeview Heights Joint Planning and Zoning Commission of the proposed construction. Kentucky CGSA has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed cell site. The FAA application has been approved, and the KAZC application is pending. Application to the Federal Communications Commission is not required for the proposed cell site.

All property owners and residents within 500 feet of the proposed cell site have been notified of the proposed construction. The notice solicited comments and informed the property owners and residents of their right to intervene. No comments have been received by the Commission.

Pursuant to KRS 278.280, the Commission is required to determine the proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Kentucky CGSA should notify the Commission if it

does not use this antenna tower to provide cellular telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Kentucky CGSA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky CGSA should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site under its currently approved tariff.

IT IS THEREFORE ORDERED that:

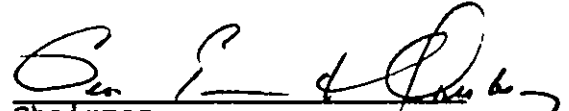
1. Kentucky CGSA be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a self-supporting antenna tower, with attached antennas, not to exceed 300 feet in height to be located at 140 Quail Hollow Road, Morehead, Rowan County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 10' 43" by West Longitude 83° 28' 42".


2. Kentucky CGSA shall file a copy of the final decision regarding its pending KAZC application for this cell site construction within 10 days of receiving this decision.

3. Kentucky CGSA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 16th day of September, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director